

pressly directs it to be paid to him. The petition, therefore, for these reasons, must be dismissed with costs.

The remaining question arises upon the petition of William G. Bland, filed on the 4th of October last, and the answer thereto of Isaac Mayo.

Upon carefully considering all the circumstances attending the sale of the negro Phil, I am of opinion, that the trustee, had reasonable grounds for apprehending he might run away, and that in selling him he has done nothing which should subject him to the censure of the court, and that in view of the insecure and perishable nature of such property, the *cestui que trust* will be adequately indemnified by receiving the interest upon the purchase money. It is true, the parties interested in remainder after the life estate of the *cestui que trust* are benefited by the sale, because by it, they are protected from the contingency of the death of the slave before the life estate may be determined. But this advantage to them is not secured by any corresponding sacrifice of the rights of the first taker, if the interest on the purchase money upon a fair computation may be considered a reasonable equivalent for the services of the negro if he had not been sold. He was hiring at the time of the sale for sixty dollars per annum, but after deducting the expenses of clothing him, estimated at twenty dollars, the net income very little exceeded the interest on the sum for which he sold, without making any allowance for medical attendance and other contingencies proper to be considered. In view of these and of the chance of the death of the slave, during the continuance of the life of William G. Bland, and the numberless casualties to which such property is exposed, I am clearly of opinion, that the legal interest on the sum for which he sold, secured absolutely during the life of Mr. Bland, is a full indemnity to him. The money must, however, be invested under the order of the court, and made subject to the order of the 1st of September, 1847. The counsel may prepare an order in accordance with these views.

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RANDALL, for the Trustee.

MCLEAN, for the Defendant.